

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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United States of America,

Plaintiff,

V.

Eduardo Ruben Lopez,

Defendant.

Case No. 2:23-cr-00055-CDS-DJA

Sealed Ex Parte Order

Before the Court are two of Defendant's motions to seal, attaching Defendant's requests for Federal Rule of Criminal Procedure 17(c) subpoenas. (ECF Nos. 94, 100). Having reviewed both, the Court grants both the requests for Rule 17(c) subpoenas and the motions to seal. However, because Defendant's motions are filed improperly under Local Rule IC 2-2(b), the Court takes this opportunity to inform Defendant about the correct procedure for these motions.

Instead of filing two separate motions (a motion to seal and a motion for issuance of a Rule 17(c) subpoena), Defendant has included his motion for Rule 17(c) subpoena as an attachment to his motion to seal. Not only does this make it difficult to track the subpoena requests granted and the subpoenas issued, but it is also inconsistent with the Local Rules. Because Defendant is requesting two forms of relief (sealing and issuance of a subpoena), he must file two separate motions under Local Rule IC 2-2(b). Additionally, Local Rule IA 10-5 contemplates that documents filed under seal (like Defendant's motion for issuance of subpoena) will be "accompanied" by a motion for leave to file those documents under seal.

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1 **IT IS THEREFORE ORDERD** that Defendant's *ex parte* requests for issuance of a Rule
2 17(c) subpoena (contained in ECF Nos. 94 and 100) are **granted**.

3 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to issue the
4 following subpoenas under seal and *ex parte*:

5 (1) the subpoena to Giving Home Health Care LLC filed at ECF No. 94-3, pages 15-27;
6 (2) the subpoena to Aveanna Healthcare, LLC filed at ECF No. 100-3, pages 19-34.

7 **IT IS FURTHER ORDERED** that Defendant's *ex parte* motions to seal (ECF Nos. 94
8 and 100) are **granted**. The documents filed at ECF Nos. 94 and 100 shall remain under seal.

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10 DATED: December 11, 2023

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13 DANIEL J. ALBREGTS
14 UNITED STATES MAGISTRATE JUDGE

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